

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JUSTIN YOST,)
)
)
Plaintiff,)
)
)
-vs-) Case No. CIV-15-0783-F
)
)
SHIRLEY STOUFFER,)
)
)
Defendant.)

ORDER

Plaintiff Justin Yost, a state prisoner appearing *pro se* whose pleadings are liberally construed, brings this federal civil rights action under 42 U.S.C. § 1983. Magistrate Judge Charles B. Goodwin issued a Report and Recommendation (doc. no. 80, the Report), recommending that the court grant defendant Shirley Stouffer's motion for summary judgment (doc. no. 68, seeking judgment on the sole remaining legal claim in this action). The Report also recommends that the court deny plaintiff's motion for injunctive relief, and plaintiff's motion for an extension of time. Doc. nos. 59, 74.

Plaintiff filed a timely objection to the Report which was received by the court on September 5, 2017. Doc. no. 81. The objection states that the Report is "completely one sided" and that plaintiff seeks to amend "the judgment of the court," citing Rule 59(e), Fed. R. Civ. P., although the Report does not constitute a final judgment. The objection also states that plaintiff seeks a declaratory judgment requiring defendants to comply with all orders from the court, and that plaintiff seeks nominal damages because his constitutional rights have been violated. The court liberally construes doc. no. 81 as a broad objection to the conclusions and recommendations of the magistrate judge.

After providing a detailed analysis of the magistrate judge's reasoning, the Report concludes that defendant's affirmative defense of non-exhaustion of administrative remedies is established as a matter of law. As a result, the magistrate judge recommends entry of summary judgment in favor of defendant Stouffer on plaintiff's sole, remaining legal claim. The Report also explains, in detail, the magistrate judge's reasons for recommending that the court deny plaintiff's motion for injunctive relief, as well as plaintiff's motion for an extension of time. After *de novo* review, the court finds and concludes that it agrees with the recommendations of the Magistrate Judge and that no purpose would be served by setting out any additional analysis here.

Accordingly, plaintiff's objection to the Report and Recommendation of Magistrate Judge Goodwin is **DENIED** (doc. no. 81), and the Report and Recommendation (doc. no. 80) is **ACCEPTED, ADOPTED** and **AFFIRMED**. As recommended in the Report, defendant Shirley Stouffer's motion for summary judgment (doc. no. 68) is **GRANTED**; plaintiff's motion for injunctive relief (doc. no. 59) is **DENIED**; and plaintiff's motion for an extension of time (doc. no. 74) is **DENIED**.

IT IS SO ORDERED this 28th day of September, 2017.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE